

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL MCAFEE,)
Plaintiff,)
v.)
CLAYTON COUNTY JUSTICE) No. 4:18-cv-1486-JMB
CENTER, et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Michael McAfee's motion to appoint counsel. The motion will be denied, without prejudice.

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). Once the plaintiff successfully alleges a prima facie claim for relief, the Court, upon request, should make further inquiry as to the plaintiff’s need for counsel to effectively litigate that claim. *In re Lane*, 801 F.2d 1040, 1043 (8th Cir. 1986). In so doing, courts should “determine whether the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel.” *Id.* (quoting *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1005 (8th Cir. 1984)).

Here, plaintiff has yet to meet his burden of alleging a prima facie claim for relief. The instant motion is therefore premature, and will be denied, without prejudice. The Court will entertain future motions for the appointment of counsel, as appropriate.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for the appointment of counsel (Docket No. 11) is **DENIED** without prejudice.

Dated this 27th day of February, 2019.

/s/ John M. Bodenhausen

JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE